



**THE CITY OF NEW YORK
LAW DEPARTMENT**

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January 12, 2022

VIA ECF

The Honorable Roanne L. Mann
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Felipe Rodriguez v. City of New York, et. al., 21 Civ. 1649 (AMD)(RLM)

Your Honor:

I am a Senior Counsel in the office of Georgia M. Pestana, Corporation Counsel of the City of New York, representing defendants City of New York, Sgt. George Zaroogian (Ret.) Det. John Beisel (Ret.), Det. John Califano (Ret.), Det. Jerry Fennel (Ret.) and John Wilde (Ret.) in the above referenced matter. The parties write jointly to respectfully request that discovery be extended as follows: 1) Completion of Fact Discovery-April 29, 2022 (presently March 8, 2022); 2) Plaintiff's expert disclosures-June 1, 2022 (presently April 7, 2022); 3) Defendants' expert disclosures-July 17, 2022 (presently May 23, 2022); 4) Completion of expert depositions-August 19, 2022 (presently July 22, 2022); 5) Pre-motion conference letters for summary judgment to Judge Donnelly-September 23, 2022 (presently August 22, 2022).

The parties have been diligently working to complete discovery. The discovery that has been completed to date is as follows: Each side has served interrogatories and document requests, which have been responded to. The City defendants and MTA defendants have more recently also served interrogatories and document requests on each other, which will be responded to in due course. Plaintiff raised a few follow up issues with the City's responses, which was discussed at a "meet and confer" between counsel on January 6, 2022. The City also raised some issues with plaintiff's responses. Most of the issues were resolved at the "meet and confer," but there may be a few issues that have to be raised with the Court. However, given that the underlying investigation took place in 1990, it will take some additional time to search for the documents that plaintiff still seeks.

The parties are working to begin depositions. As discussed at the initial conference herein, the parties are also working to try to enter a stipulation as to the admissibility of certain witnesses' testimony taken in the Court of Claims case in the interest of efficiency.

The request for the extension of discovery as set forth above is based on the reality that the events underlying this case took place over thirty years ago, which makes many aspects of discovery more time consuming than other cases. The additional time is needed for the parties to take discovery in this substantial case.

This is the first such request for the extension of certain discovery deadlines.

The parties also respectfully request that the date by which to request a settlement conference be extended from January 14, 2022 to February 25, 2022. The parties do not feel that a settlement conference would be most productive at this time, especially given that defendants' motions to dismiss have not yet been ruled on by Judge Donnelly. This is the second such request for an extension of time.

Thank you for your consideration herein.

Respectfully submitted,

/s/ Mark D. Zuckerman
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Senior Counsel

cc: All Counsel (via ECF)